

**MINUTES OF THE REGULAR MEETING  
OF THE FACULTY SENATE HELD ON  
JANUARY 19, 2001, IN THE ALUMNI HOUSE  
1925 F STREET, NW**

The meeting was called to order by Vice President Lehman at 2:15 p.m.

**Present:** Vice President Lehman, Interim Registrar Terpstra, and  
Parliamentarian Pagel; Deans Lefton and Phillips; Professors  
Boswell, Castleberry, Divita, Duff, Gallo, Griffith, Haque,  
Harrington, Hoare, Johnston, McAleavey, Mergen, Nagy, Park,  
Robinson, Simon, Stephanic, Wilmarth, and Yezer

**Absent:** President Trachtenberg; Deans Futrell, Harding, Riegelman, Tong,  
Williams, and Young; Professors Captain, Cawley, Lindahl, Pelzman,  
Thornton, and Zaghoul

**INTRODUCTION OF INTERIM REGISTRAR**

Vice President Lehman introduced Tim Terpstra, who assumed the position of Interim Registrar recently since the prior Registrar, Brian Selinsky, moved into another position in the University. He noted that Mr. Terpstra previously held the position of Registrar at Marymount College, and he currently runs GW's Academic Integrity Program.

**APPROVAL OF THE MINUTES**

Vice President Lehman called for approval of the minutes of the regular meeting of October 13, 2000. Professor Nagy requested that his remarks be included in the minutes of the meeting because it was a particularly important meeting. No other changes were made, and the minutes of October 13, 2000, as amended, were approved. (Remarks by Professor Thomas J. Nagy with reference to the proposed College of Professional Studies, Resolution 00/3, are attached as an Addendum to the Minutes of October 13, 2000.)

**CHANGE OF ORDER OF BUSINESS**

Professor Griffith requested that the order of business be changed to allow the Report on Benchmarks for Expenditures from the Fiscal Planning and Budgeting Committee to be presented before the Report on the Gelman Library. He explained that the Report from the Fiscal Planning and Budgeting Committee was a more general analysis, and he thought that the report of the Librarian would be more understandable in context if it followed the FP&B presentation. Librarian Siggins agreed with Professor

Griffith's request. No objections were made, and the change in order of business was approved.

### OLD BUSINESS

#### RESOLUTION 00/1, "A RESOLUTION OPPOSING THE SPECIAL FEES FOR MAJORS IN THE PROGRAMS OF THE SCHOOL OF MEDIA AND PUBLIC AFFAIRS"

On behalf of the Joint Committee of Faculty and Students, Professor McAleavey, Co-Chair, informed the Senate that the Committee was withdrawing this Resolution from consideration by the Senate. He explained that the reason for the withdrawal is that the rules of the game basically have changed since the original issue attracted the attention of the Student Association last year. He noted, however, that it may be that the rules of the game have not changed sufficiently to appease the student body, in which case the Joint Committee of Faculty and Students may come back with a similar resolution. There was no discussion, and Resolution 00/1 was withdrawn. (Resolution 00/1 attached)

### RESOLUTIONS

#### RESOLUTION 00/4, "A RESOLUTION REQUESTING THE UNIVERSITY ADMINISTRATION TO TAKE APPROPRIATE MEASURES TO DISCOURAGE INFRINGEMENT BY STUDENTS AND OTHER PERSONS OF FACULTY MEMBERS' INTELLECTUAL PROPERTY RIGHTS IN THEIR COURSE PRESENTATIONS"

Professor Wilmarth, on behalf of the Executive Committee, noted that this matter came to the attention of the Executive Committee approximately a year and half ago when it became aware that versity.com and certain other websites were publishing materials from presentations by faculty members of various universities. The Executive Committee also became aware that certain universities, including the University of Michigan and Yale University, had taken steps to counteract this so-called "commercial notetaking." He explained that apparently what has been happening at many campuses is that students, or in some cases non-students, are reportedly being hired by these commercial enterprises to go into professors' classes and take notes, obtain handouts and any overhead type presentations, and then package them and put them up on websites or other services where people can obtain these materials for a fee. So, effectively, the service is exploiting or expropriating the copyright interest of faculty members in their course presentations.

Recalling that the Senate had quite an extensive discussion some three years ago over the new University copyright policy, Professor Wilmarth pointed out that, after a great deal of negotiation, the Senate had agreed on principles of copyright ownership with

the University. The basic principles of the University's copyright policy are that when a professor makes a presentation of materials in class, the professor has ownership of the copyright in his or her class presentation except in two areas. One is a so-called "work made for hire," when the University enters into a contract with the faculty member with the understanding that, since the faculty member is providing the course under a separate contract, outside his or her general professorial duties, the University will have either a shared or sole copyright interest in that course presentation. The other general exception is the so-called "substantial use" area where, if a professor makes an exceptional or extraordinary use of University resources above and beyond what a comparable faculty member could normally do, the University might obtain some copyright interest. But certainly, he said, neither the University nor the faculty ever intended that students and auditors could simply take their class materials and publish or sell them for commercial purposes.

Professor Wilmarth explained that the policy proposed by Resolution 00/4 establishes a rule of student conduct, i.e., that they may not record, summarize, or use class presentations and redistribute them for commercial purposes. However, he said, there are important exceptions - if a student provides these materials without charge to other students enrolled in the same course for non-commercial educational use or if a person provides materials in accordance with arrangements made with the University Disability Support Services and disclosed in advance to the instructor. Professor Wilmarth stressed that the policy does not try to prevent the typical complimentary note-sharing among students when students miss class, but the policy informs students that they may not use their notes of faculty presentations for commercial purposes. And the prohibition also pertains to other people who might attend class, such as auditors. Although there is some question about enforcement against those persons, he said that the Executive Committee thought it is useful at least to have a statement of prohibition in the University's course schedules so that there is some actual or constructive notice of the faculty's copyright in their course presentations.

Professor Wilmarth then turned to the Executive Committee's proposed amendments to Resolution 00/4 distributed at the meeting. He said that these amendments had been discussed with and agreed upon by Vice President Lehman and the University's Office of General Counsel, and it was decided that the prohibitory statement should be placed in the University's Guide to Student Rights and Responsibilities and in all class schedules issued by the University and its teaching units. Professor Wilmarth then moved the following amendments to the Second and Third RESOLVING Clauses, as follows:

- (2) That, as an example of such appropriate measures, the Faculty Senate requests the University Administration to include the following prohibitory statement in the University's Guide to Student Rights and Responsibilities and in all class schedules ~~all course bulletins~~ issued by the University or any of its schools, departments and other teaching units:

- (3) That the Faculty Senate requests the University Administration to pursue appropriate disciplinary action under the Code of Student Conduct against any student who violates the prohibition described in the foregoing resolving clause after the prohibition has been published in the University's Guide to Students Rights and Responsibilities. ~~a University course bulletin covering the school, department or other teaching unit in which such student is enrolled.~~

The motion was seconded.

Professor McAleavey stated that he thought the proposed policy was a fine idea except that by putting himself in a student's situation, for example, he would have some jealousy regarding the notes he takes in class because he would be exercising his own judgment about what was important in the lecture and would be creating his own original document which belongs to him. On the other hand, if he had taken a tape recorder to class and made a recording and sold it, then that would be one thing, but he thought that the notes he takes in class are his own notes, and that this appears to be a gray area. Professor Wilmarth replied that as long as the student is not taking notes for a commercial purpose, then that is fine. He said that the policy does not prohibit students from sharing notes, generally speaking, but if they start selling them without the instructor's permission, that is when it becomes impermissible. Professor Duff pointed out that it was his understanding that some students are hired by versity.com to go into classes and take notes, and he said that that is mercenary.

Professor Griffith referred to language in the first two sentences of the Second RESOLVING Clause on Page 2, which states: "students enrolled in (and other persons attending) any course may not sell or otherwise distribute to any person classroom lecture notes. . . ." He asked Professor Wilmarth what the words "otherwise distribute" was intended to mean. Professor Wilmarth suggested that it might be helpful to add the words "for commercial purposes" after the word "distribute" in the second sentence. Professor Griffith then moved to amend the second sentence of the Second RESOLVING Clause on Page 2 to insert the words "for commercial purposes" after the word "distribute." The motion was seconded. The question was called, and the amendment passed.

Professor Simon voiced his concern about another gray area. While we all agree that we do not want to see a person who is hired to attend a course, take notes on lectures, and then provide that information to a publisher, he said that suppose a person attends a seminar course where there are 15 different lectures, and that person decides to put together a manuscript based on those 15 lectures, and then sells it. He said that that seemed to him to be the same problem. Professor Wilmarth replied that it might not be the same problem if the document that is being sold is not being portrayed as the notes of Professor XYZ's lecture, but rather the person's own interpretation of the subject matter of the course. There would be a question, however, of whether the student had made "fair



use" of the professor's lectures in preparing the manuscript. Professor Harrington said that he agreed with Professor Simon's concern because plagiarism is very difficult to prove.

Professor Gallo noted that medical students typically record lectures. They make class notes and they sell the class notes to a class, and she wondered how this situation could be resolved. Professor Wilmarth suggested that the medical students should obtain the instructor's permission beforehand because the students in a sense are capitalizing on the professor's intellectual property and receiving payment for it. Professor McAleavey asked Professor Gallo if that practice is done for commercial purposes, and Professor Gallo replied that there are costs associated with producing the notes for 150 students, but she did not think that any individual student profited from it, and if there is any money left over from the note service it is used to support class activities. She said that all of the authorized note-takers are medical students.

Professor Yezer asked why the phrase "given express permission" is used in the policy instead of "written permission." Professor Wilmarth said that he thought that written permission would be stronger, but that it would place an extra burden on both the student and professor, although it would be up to the discretion of the professor in terms of how he or she would want to give permission.

The question was called, and Resolution 00/4, as amended by Professor Wilmarth and Professor Griffith, was adopted. (Resolution 00/4, as amended, is attached.)

### INTRODUCTION OF RESOLUTIONS

No resolutions were introduced.

### REPORT ON BENCHMARKS FOR EXPENDITURES FOR ADMINISTRATIVE AND GENERAL PURPOSES AND THE LIBRARY BY PROFESSOR JOHN KWOKA, FISCAL PLANNING AND BUDGETING COMMITTEE

Professor Griffith, Chair of the Fiscal Planning and Budgeting Committee, noted that Professor Kwoka's study arose in response to earlier reports from the FP&B Committee presented to the Senate over the past two and one-half years in which the Committee noted and the Senate, itself, queried with some surprise the fairly rapid rise in administrative expenditures in the overall pattern of University expenditures. He said that the Committee made an effort to try to determine whether those expenditures had been rising in a fashion that was abnormal compared to other comparable universities, especially because there seemed to be a persistent shortfall in funding for libraries. Professor Griffith said that one of the first things discovered by Professor Kwoka was that the Committee would not get a very good comparison by simply using the market basket universities because there is too much dissimilarity between this University and those particular universities. Therefore, Professor Kwoka volunteered to conduct a study that would give us a much broader base of comparison on university expenditures. He then introduced Professor Kwoka for his report.

Professor Kwoka said that over the past several years the Budget Committee has been closely monitoring the level of University expenditures on several important activities, particularly, Gelman Library, and General and Administrative expenditures of the University as a whole. He thought it fair to say that many on the faculty hold the view that Gelman Library funding has not been adequate, and many also believe that administrative expenditures at GW are too high. The challenge for the Budget Committee, he said, has been to determine what level of expenditure is adequate, or deficient, or excessive, and to place these comparisons on a solid and objective footing. The usual bases for comparison have been to examine year-to-year changes in funding, or alternatively, the level of support by selected other schools that are viewed as similar to GW. But no matter how carefully selected, any group of comparison schools will differ widely in their size, mix of students, and academic profile. For that reason, two years ago, Professor Kwoka said that he proposed to compile data on all – not just some – research universities, and to compare expenditures on libraries and on administration after controlling for important differences among these institutions that affect the appropriate levels of such expenditures.

After distributing a series of Charts Nos. 1-8, Professor Kwoka presented his report. (Report and Charts are attached.)

Professor Nagy asked Professor Kwoka if he could speculate on why our revenues from grants, gifts, and endowment are so small in percentage comparison to the other private universities. Professor Kwoka replied that it seemed to him that the University does not seem to generate the level of alumni contributions that other universities do perhaps because many of our graduates go on to public service and their incomes are not commensurate with that of graduates of other institutions. Professor Griffith commented that one explanation might be that President Marvin allegedly discouraged working closely with alumni for gift-giving and only with President Elliott did active solicitation of alumni begin. As the Senate representative sitting on the Trustees' Development Committee, he thought that the sophistication of our effort of alumni fundraising is quite high but there is still a notable lack of outstanding gifts to GW.

Professor Simon asked if the grants included research grants, and Vice President Lehman replied that grants from foundations are included, but not grants from government agencies like NIH. Professor Yezer asked if it were fair to conclude that, by looking at the charts, if we were half as large in terms of our instructional burden, then our ratios would be approximately in line with the revenue side. Professor Kwoka replied that only if instructional burdens shrank and revenues remained the same could that be true, but he was not certain about that.

Professor Griffith expressed the thanks of the Fiscal Planning and Budgeting Committee to Professor Kwoka for his hard work in conducting this study, and Vice President Lehman also extended his thanks to Professor Kwoka for a marvelous job. Professor Kwoka, in turn, thanked the Office of the Vice President for Academic Affairs and the Office of the Vice President and Treasurer, as well as the Economics Department and the FP&B Committee for providing a great deal of support to him. The Senate expressed its appreciation by giving Professor Kwoka a round of applause for his report.

**UPDATE ON GELMAN LIBRARY BY MR. JACK A. SIGGINS, UNIVERSITY LIBRARIAN**

Mr. Siggins thanked the Senate and the Executive Committee for inviting him to give a brief report on the status of the libraries. He said that he would only report on the Gelman Library System (Gelman, Mt. Vernon Campus, Va. Campus), except when referring to the Association of Research Libraries statistics which included all five GW libraries. He also introduced Caroline Long, Associate University Librarian for Collections. Mr. Siggins then presented his report. Following his report, Mr. Siggins called upon Ms. Caroline Long who spoke on the status of Gelman's collection development efforts and who described some specific steps that the faculty could take to counter the very alarming inflationary trend in subscription prizes. (Report and Data on the Gelman Library are attached.)

Referring to the Gelman Collections Budget, Professor Griffith asked Mr. Siggins when the University was accepted into the Association of Research Libraries, and Mr. Siggins replied that it was in 1998. Professor Griffith then noted from the first graph that there appeared to have been a strictly temporary rise in allocation of funds to the Library in FY97-98, and he asked Mr. Siggins if it would be fair to say that the University pumped up expenditures when the University was being considered for acceptance into the ARL, but then promptly pulled the plug once the University was accepted. Mr. Siggins replied that he was not privy to the decision-making process at that level, and, therefore, he could not comment.

Professor Nagy made the following statement:

I think this is a most valuable and critical discussion. And I wonder how many people here think it would be feasible to have this kind of a discussion if the College of Professional Studies had consummated a successful large-scale business to business venture with one of these mega-giant consequences of a huge merger, and I don't know if we could have this discussion. Clearly there would be this enormous conflict.

Think back to when Skip made a very good presentation which is, I think, parallel to yours except in the medical sector. It didn't seem that we could get into a discussion of whether we could use our clout as a member of TIAA-CREF in order to go after some of the irrationalities in the medical center. I mean, some of the things you say could not possibly be more poignant. I mean, how idiotic can it be if we labor mightily to produce something of value, and yet we don't get any remuneration. The University doesn't, worse, yet, the University ends up having to buy it.

The parallel in Skip's presentation was when he said, "Oh well, it will turn around," and I'm paraphrasing, "all the money we're losing on the HMO, we'll get rid of the sick people, and we'll recruit healthy people." And in fact if you look at the ads they're running, that's exactly the market segment they're going after. All of those people are way younger than we are in this room and they sure look real healthy. So it raises a profound dilemma, because, you know, would you have to pull your punches in making this presentation if indeed the finder's fee has been paid, the University anticipates a nice



revenue stream from cashing in on an irrationality. And that's a real concern. I mean I don't mean it in any humorous sense. It's a profound dilemma. Because I think what we give away is the right to have this most valuable discussion. I can't imagine, I mean, to me, this is one of the most valuable items that has been raised in the 2-1/2 years I've been on the Senate. And I would hate to see anything jeopardize having these kinds of discussions.

Professor Yezer noted that one of the things that was not raised which is at work here is the massive price discrimination. Having been part of discussions on some of the journal's editorial boards, he said that nobody knows what the publisher is going to charge the libraries; all they care about is what the publisher is going to charge the individual academic user. For instance, a subscription to the JME would cost the Library \$1,000 but he was certain that some of his colleagues who subscribe to it are not paying \$1,000. He suggested that perhaps a way to work around the price discrimination might be to ask a colleague to donate his or her copies of the JME to the Library. Vice President Lehman pointed out that the publishers stamp "not for library use" on the front of some journals. Professor Yezer suggested that perhaps departments should have library budgets and then the subscriptions could be counted as volumes since they would be ordered through the department chair. Vice President Lehman commented that part of what Professor Yezer has said is true, but there is the demand that we ourselves create for having new journals which tend to be in the for-profit sector. If a lot of the journals would stay within the professional organizations, which many of them are not doing, then he thought the prices would be significantly lower. But the reason they are not staying within the professional organizations, he said, is that the various fields are becoming more specialized, with more and more sub-divisions.

Noting that we do not receive any "state" funds from the District of Columbia, Mr. Demczuk, Assistant Vice President for Government Relations, said that legislatively there is a Committee on Education and Libraries of the City Council, and perhaps the Mayor could put funds in his budget. Since Congress is really our state authority, he said that if we cannot go through the two local routes, we could probably remedy that by going the federal route.

Mr. Siggins explained that Congress is part of the problem in another way. It has been considering legislation for some time now which would put in the hands of what he would call an "oligopoly," a small number of information controllers, the rights to all the information that faculty and others are producing. He said that Disney and other corporations are lobbying with Congress right now to sell away the right to information and that librarians have been fighting this for a long time and are losing the battle. What has happened is that the large publishers are going around to individual state legislatures and passing agreements on the basis of a contractual relationship which gives a great deal of power to them in controlling information and charging for access to information. Mr. Siggins said that the faculty must take control of their information by controlling the copyright with the University, if possible, or through their associations by not selling to commercial publishers, so that the prices will be reasonable in order for our students and faculty to have access to this information without restriction.



Professor Simon said that, while he agreed with Mr. Siggins, he wondered where one could get a review. He said that in order to submit an article to the New England Journal or the Annals of Internal Medicine, one must sign away his or her copyright when the article is submitted or it does not get reviewed, much less published. He said that he did not think that this can be done by individuals, but rather through a consortium of universities. Mr. Siggins responded that the librarians through SPARC (Scholarly Publishing & Academic Resources Coalition) have taken this matter up with the AAUP in an agreement which will start up counterpublications – not to replace all the commercial publications important to tenure and research – but as a counterbalance to reduce the prices.

Further discussion followed by Professors Griffith, Nagy, Mergen, Mr. Siggins, and Vice President Lehman.

Vice President Lehman thanked Mr. Siggins and Ms. Long for their excellent reports.

**REPORT ON CONSORTIUM'S CHANGE IN BYLAWS TO ELIMINATE FACULTY FROM ITS BOARD OF TRUSTEES BY PROFESSOR WILLIAM GRIFFITH, CONSORTIUM TRUSTEE**

Professor Griffith reported that recently the Board of the Washington Metropolitan Area Consortium of Universities restructured its Bylaws to eliminate the seats allocated to Faculty Trustees of several universities and also the seats of the public trustees. He noted that he and Professor Boswell have served as "Faculty Trustees" on and off through the last fifteen years. Effectively what this means, he said, is that the Executive Committee of the Board, namely the Presidents of the participating universities, which has for a long time quietly worked to utterly marginalize the rest of the Board, has completed its task. In looking back, he said that this has been developing for a long time. There was an earlier effort to unseat the Faculty Trustees at the time of the formation of the Washington Research Library Consortium. He helped to defeat that effort because he thought the issue of faculty participation in the Consortium Library was a matter of considerable importance to faculty, if only as a way of keeping the faculties informed of what was being planned. But although we won the battle, defeating the Bylaws change proposed by the then-Director, we lost the war; faculty were always excluded from membership on the Library's Board, and knew only what the Board was willing to tell them. Professor Griffith said that the Board decreased the number of meetings, and he complained to the Board that the Faculty Trustees were not being given enough information to act as Trustees, and that perhaps they should either provide the Board with adequate information or reorganize it, and they chose the latter. He said that his impression of the Consortium is that it has unrealized potential and is a functional organization but in a limited way.

Professor Park asked if the Consortium is a chartered organization, and Professor Griffith replied that it has a charter that provides for a Board composed of about 25-30 Trustees, but it is actually run by the Presidents of various universities who act as the Executive Committee. Professor Park asked if there was any charter provision that

required approval by the individual trustees of several universities of any change in the Bylaws as part of their subscription membership in the Consortium. Professor Griffith indicated that he had not studied the Consortium charter, but the Board provided so little information to the nonpresidential trustees that not all faculties or University Boards of Trustees ever elected trustees; only about 1/2 to 1/3 of the seats were filled. Professor Boswell pointed out that based on his attendance for the last two years, there was not just a little information, there was no information.

Vice President Lehman noted that there are things going on under the Consortium umbrella that actually are working. For example, the chief financial and academic officers and people who head up sponsored research offices meet on a regular basis, almost every other month, including sponsoring events which faculty are invited to and which are well attended. Professor Park suggested that if the Senate members see a need for participation, either in a representational or informational capacity, it might be useful to approach the financial and academic officers to ask them what role we could play.

#### GENERAL BUSINESS:

##### I. NOMINATION FOR ELECTION OF FACULTY TO SENATE STANDING COMMITTEES

On behalf of the Executive Committee, Professor Boswell moved the nomination for election of Professor Evelyn J. Schreiber, as Acting Chair of the Committee on Admissions Policy, Student Financial Aid, and Enrollment Management. Professor Schreiber was unanimously elected.

He then moved the nominations for election of faculty to the following Standing Committees: Professors Fernando Robles and Joe Goldblatt to the Committee on Honors and Academic Convocations; Professors Stuart Umpleby and Walter Brown to the Committee on University and Urban Affairs; and Professor Elias Carayannis to the Committee on Appointment, Salary and Promotion Policies. The nominees were unanimously elected.

##### II. REPORT OF THE EXECUTIVE COMMITTEE

The Report of the Executive Committee by Professor Boswell, Chair, is enclosed.

##### III. INTERIM REPORTS OF SENATE COMMITTEE CHAIRS

No interim reports were made.

#### BRIEF STATEMENTS (AND QUESTIONS)

Professor Wilmarth urged the Senate to give careful attention to the University Administration's proposed new draft of the Sexual Harassment Policies and Procedures that has been distributed to all regular full-time faculty members. Based on his preliminary review, he said that the changes are quite sweeping. In his opinion, the

Administration's proposed changes remove many of the important due process protections which the Senate included in its deliberations last year, and he did not believe that the proposed revised procedures would provide adequate guarantees of fair treatment to persons accused of sexual harassment. Professor Wilmarth said that he was also concerned about the March 15<sup>th</sup> comment date. The administration had considered the Senate's draft for 8 months, and now the Senate has been given essentially 2-1/2 months to respond to the new draft, which is not adequate in light of the significant changes made. He encouraged the faculty to look carefully at this matter, which goes to the heart of academic freedom and the security of tenure.

Professor Park reported that the Committee on Appointments, Salary and Promotion Policies had met the day before. One of the agenda items was a discussion of a particularly unfortunate series of delays and mistakes on the point of handling annuity accounts on behalf of one of the members of the faculty. This situation has run over 4 years and has cost this faculty member a lot of time and difficulty. He said that most people's experience with TIAA/CREF has been very smooth and very satisfactory, but the Committee realized as it discussed this matter that the University has no way to really assess how often people have difficulty with any of these providers, nor what kinds of difficulties they have. He said that if any faculty have had difficulty with transfers of funds in their accounts, they should contact the ASPP Committee, Human Resources, or the Assistant Vice President Susan Kaplan to see whether there is something that can be done. Usually it can be cleared up locally. He noted that TIAA/CREF at the local representative level has been very helpful in this particular case in getting it straightened out, but this is a matter of broad interest to the faculty and we don't have any way of assessing it how extensively problems may arise without feedback from the faculty.

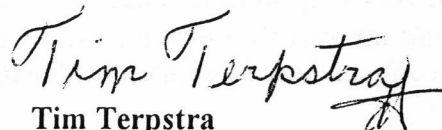
Professor McAleavey asked the Executive Committee to take up an issue at its next meeting which concerned him directly and others at the University who have been urged to create distance education versions of their courses in summer school. He described a planning meeting he and others attended just before the Christmas break where he was handed a draft of a work for hire contract and told that basically this is what was going to be expected. That is to say, that teaching our summer courses in a distance mode (already existing courses) were being modified for a new platform and were going to be construed as work done for hire. He said that there is an urgency about this matter since these courses have already been announced, and a number of faculty are feeling some pressure. Professor McAleavey said that he was at a meeting today attended by Linda Shutjer, General Counsel, Associate Vice President Carol Sigelman, and Director William Lynch. They discussed a revised document which basically provides for joint ownership. Professor McAleavey said that he did not feel knowledgeable in this area of law to know whether or not his own rights are being intruded upon, but he thought that this matter needed to be attended to almost instantly.

Professor Nagy asked what the procedure is for election to the Executive Committee. Professor Boswell explained that a Nominating Committee, composed of members of each school, is elected by the Senate. The Executive Committee presents a slate of nominees for election to the Nominating Committee by the Senate. Nominations can be made from the floor. The Nominating Committee then meets and makes its

recommendations at the April Senate meeting. Professor Nagy then asked when the Senate would be getting a resolution regarding the proposed changes to the Faculty Code. He said that it has been a couple of months since we sent off the COPS endorsement, and it was his clear understanding, maybe misunderstanding, that we had bought into de facto, if not de jure, changes to the Faculty Code, and he wondered when we could expect that. Professor Wilmarth replied that he understood that it was up to the leadership of the new College to come back to the Senate to tell us what they thought was needed. He said that the Senate has not agreed in advance to any changes in the Faculty Code with respect to the COPS, and that any proposed changes would have to come back through the Senate. Professor Nagy asked if the members of the Academic Senate have any recourse whatsoever if the Executive Committee decided to cancel any more of the scheduled meetings. Professor Boswell replied that, if the Senate Committees do not bring the Executive Committee any business, there is nothing that we can do. Vice President Lehman read a provision in the Senate Bylaws (FOP) which states that "the Executive Committee may cancel any regular meeting for which there is not sufficient business." Vice President Lehman said that he agreed with Professor Boswell that some of the Senate Committees do not seem to be working at the same level of activity as in the past, and he urged the Senate members to persuade their colleagues to serve on the Committees.

#### ADJOURNMENT

Upon motion made and seconded, Vice President Lehman adjourned the meeting at 4:50 p.m.

  
Tim Terpstra  
Secretary



## ADDENDUM to the Minutes of October 13, 2000, Faculty Senate Meeting

### Remarks by Professor Thomas J. Nagy with reference to the proposed College of Professional Studies, Resolution 00/3

Nagy:

What Must We Kill to Give Birth to the CoPS?

We must kill off independent judgment, since voting yes on the CoPS requires the Senate to accept a scheme burdened with undisclosed financial costs, even cost-to-date of the CoPS, much less middle term or long term costs.

We must kill prudence if not integrity, because voting "yes" requires us, de facto, to accept changes to the Faculty Code which our not even spelled out in the CoPS resolution.

We must kill off the notion of the senate as a band of rational decision makers, because voting "yes" on the CoPS requires us to accept unstated and undebated risks, opportunity costs, and as well as swallowing comparison of the CoPS to unreasonable alternatives. Imagine if the CoPS were a house and you (Spouse 1) had just bought it under similar circumstances. Imagine your explanation to your spouse (Spouse 2).

It would go like this:

S1: I just bought us a house!

S2: How much?

S1: Can't say.

S2: Well, do you at least know the address of this

wonderful house?

Is it in our neighborhood, city, state?

here.

S1: Not sure, but I think it's not too far from

S2: How on earth could you commit us to such a big deal with so little knowledge?

S1: Well, the house looked pretty good compared to the alternatives the realtor showed me.

S2: What were these alternatives?

S1: Buckingham Palace and a pup tent.

What else dies if we vote for the CoPS? The old fashion notions that got so many of us to take big pay cuts to leave industry or the government for freedom of expression, belief, and the pursuit of real research that a real university provides. CoPS reminds me too much of the "anything for a buck" mentality of my beltway bandit days...

Anything else? Yeah, the opportunity to pick examples we feel are vital to your courses, your students, society at large. Fat chance of being able to teach with unflattering examples once the "Finder's Fee" and genius of "Business to Business marketing" takes over. Park anything that does not support the status quo at home, when you teach on the new campus inside the corporation or government agency, where managers, not peers will "guide" and "correct" you if you make the students (whoops, "customers", no rather the the managers of the "customers" uncomfortable).

What will voting "yes" give life to? Lyshenko science, Lyshenko everything, just substitute biz for for the good old politburo. Or think about the great advances in health care that have come about through corporatizing medicine. Gee, it's neat to have your doctor (whoops, "medical service provider") watching for signals from "managers" rather than you or your health, like they did in the bad old days. Shouldn't stand in the path of progress, should we?

Any benefits from voting in the CoPS? Sure some deans and even some of your colleagues may like you more, see you as the new academic, in touch with the times. At least they will till the CoPS goes down in flames, the most likely fate of any scheme straight from the pages of Parkinson's Law, Harvey's "Eichmann in the Boardroom" and Janis' "Groupthink". For short term relief and praise, vote "yes". Voting "no" on the CoPS gets you short term anxiety.

What happens if you vote "no". You will know you've done right by GWU, the students and even the deans and Rice Hall. You'll spare yourself the anaclitic depression that hits you whenever you violate the very principles that you teach and try to live by -- rationality, control by middle and long term consequences rather than control by short term consequences. You know, the stuff you tell your own kids as well as your students. You'll be like the people in the Asch experiment who did not cave in to a rigged consensus, but called 'em like they saw 'em. Or the people in Milgram's study who just plain refused to clobber the victim with electric shock, no matter what the authority figure demanded.

Resist the claims of "it's a done deal". Refuse to cave in to negative fantasies. Really folks there are no torture chambers or firing squad on campus. You do have the choice to vote no.

Do the right thing for yourself, your university, your students, your colleagues (present and future). Vote "no" on the CoPS.

**A RESOLUTION OPPOSING THE SPECIAL FEES FOR MAJORS IN THE  
PROGRAMS OF THE SCHOOL OF MEDIA AND PUBLIC AFFAIRS (00/1)**

Whereas, the Student Association has adopted a resolution attacking these fees, and has explicitly sought the help of the Joint Committee of Faculty and Students; and

Whereas, while the fees are intended to provide and maintain, through an ongoing replacement fund, upgraded equipment for the use of students in programs which will be housed in the new SMPA building, not all students will use the equipment to the same degree, and not all users of that equipment will be charged (for instance, minors in those fields), which suggests that the fees are not completely equitable; and

Whereas, imposing additional non-tuition fees on undergraduate students majoring in SMPA must act as a deterrent to at least some students who might be interested in such majors (including students who need financial assistance or who use the University's tuition benefits program), which reduces students' freedom of choice among the University's programs; and

Whereas, such fees would establish a precedent which might be employed for any number of purposes in a variety of undergraduate programs throughout the University, and could understandably lead to divisive proprietariness regarding access to facilities, equipment and even faculty, which would not be in the University's interest in the long run; and

Whereas, obtaining the required funds through an across-the-board tuition increase would seem to be consistent with other budgetary decisions made by the University, would not significantly inconvenience students, has the support of the Student Association, and would avoid the inequities which this special fee creates: therefore,

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON  
UNIVERSITY THAT**

The special fee to be imposed on majors in SMPA be rescinded, in favor of an increase in the overall tuition rate sufficient to cover the required costs of needed upgrades to SMPA equipment, and furthermore, that such a tuition increase be linked directly to the provision of funds for this purpose, as closely equivalent as possible to what would have been provided through the mechanism of the contested fee.

Joint Committee of Faculty and Students  
April 7, 2000

Postponed, May 5, 2000, to September 8, 2000

Withdrawn, January 19, 2001

**A RESOLUTION REQUESTING THE UNIVERSITY ADMINISTRATION  
TO TAKE APPROPRIATE MEASURES TO DISCOURAGE INFRINGEMENT BY  
STUDENTS AND OTHER PERSONS OF FACULTY MEMBERS'  
INTELLECTUAL PROPERTY RIGHTS IN THEIR COURSE PRESENTATIONS (00/4)**

**WHEREAS**, the Faculty Senate understands that, at the University and at many other institutions of higher learning, students and other persons attending courses (i) have sold summaries of faculty course presentations to commercial enterprises and other parties for the purpose of enabling those parties to sell the course summaries for profit, and (ii) have sold to commercial enterprises and other parties, for the same purpose, written course-related materials created and distributed by faculty members to students in their courses; and

**WHEREAS**, the George Washington University Copyright Policy recognizes that classroom presentations of academic material by faculty members and materials created by faculty members for distribution to students in their courses (hereinafter collectively referred to as "Course Presentations") are the intellectual property of the instructors (except where the Copyright Policy expressly grants to the University an ownership interest in Course Presentations); and

**WHEREAS**, faculty members and University administrators have agreed that the University should discourage students and other persons from infringing the intellectual property rights of faculty members in their Course Presentations;

**NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE OF THE  
GEORGE WASHINGTON UNIVERSITY**

(1) That the Faculty Senate hereby requests the University Administration to take appropriate measures to discourage students and other persons attending courses in the University from infringing the intellectual property rights of faculty members in their Course Presentations.

(2) That, as an example of such appropriate measures, the Faculty Senate requests the University Administration to include the following prohibitory statement in the University's Guide to Student Rights and Responsibilities and in all class schedules ~~all course bulletins~~ issued by the University or any of its schools, departments and other teaching units:

**Prohibition against Unauthorized Commercial Use of  
Faculty Course Presentations**

The George Washington University prohibits students and other persons attending courses from (i) recording or summarizing, for commercial purposes, classroom presentations by faculty members or (ii) redistributing, for commercial purposes, materials created and distributed by faculty members to students in their courses. Accordingly, unless the instructor has given express permission for such conduct,



students enrolled in (and other persons attending) any course may not sell or otherwise distribute for commercial purposes to any person classroom lecture notes, course summaries, course handouts, illustrations, presentation materials or other items that have been prepared or assembled by the instructor or that summarize, record or depict the instructor's presentation. This prohibition does not apply to either (a) a student who provides such materials, without charge, to other students enrolled in the same course for their non-commercial and educational use, or (b) a person who provides such materials in accordance with arrangements made through the University's Disability Support Services and disclosed in advance to the instructor. Violation by a student of the prohibition described in this paragraph is a violation of the University's Code of Student Conduct and will subject the violator to discipline under that Code.

(3) That the Faculty Senate requests the University Administration to pursue appropriate disciplinary action under the Code of Student Conduct against any student who violates the prohibition described in the foregoing resolving clause after the prohibition has been published in the University's Guide to Student Rights and Responsibilities. ~~a University course bulletin covering the school, department or other teaching unit in which such student is enrolled.~~

Executive Committee of the Faculty Senate  
December 15, 2000

Adopted, as amended, January 19, 2001

**REPORT**  
**Faculty Senate Meeting**  
**January 19, 2001**

**PROFESSOR JOHN KWOKA**  
**Fiscal Planning and Budgeting Committee**

This study was conducted with assistance from the Office of the Vice President for Academic Affairs, the Office of Vice President and Treasurer, and the Economics Department. We extracted data on all 120 universities categorized as Research 1 and Research 2 for academic years 1995-96 and 1996-97. These were the two most recent years for which complete IPEDS data are available—IPEDS being the data source published by the Department of Education's National Center for Education Statistics. The Research 1-Research 2 distinction has been abolished in the most recent Carnegie classification system, but it did apply in the years examined in this study and is useful in characterizing GW's position.

Though this is not the heart of my study, a simple comparison of GW with the averages for all Research 1 and Research 2 institutions seems to show us very much on the cusp:

- Expenditures for all university libraries, shown in Chart 1, GW's total expenditures are very much in between Research 1 and Research 2. This is for all libraries, not just Gelman.

- IPEDS data base do not split out General and Administrative expenditures per se, but it does report a category called Institutional Support that includes General and Administrative. The second figure shows that there, too, GW lies in between the two categories.

Having developed the data this far, it is easy to use the data to draw other comparisons:

- For example, GW's expenditures on instruction lie very much in between those typical for Research 1 and Research 2 universities.

- One area where GW is quite different involves expenditures for Research activities, where we are much more typical of Research 2 institutions and well below Research 1 schools.

The heart of this study, though, were not these simple comparisons. These seem to show us very much in between Research 1 and Research 2 schools, but all of these schools differ in many respects that affect the appropriate level of expenditures on libraries or administration. For example, the number of students is an important determinant of necessary library resources. Of course, if it was only student numbers that mattered, we could divide total expenditures by the number of student and get an valid basis of comparison among institutions.

But common sense, as well as a number of studies, suggest that other characteristics matter. These include the mix of undergrad vs. graduate students, full-time vs. part-time students, number of faculty, level of research activity, and so forth. No simple average expenditure per student can capture all these.

For these reasons this study used regression techniques to control for all these factors simultaneously. It is then possible to develop a benchmark, or predicted, level of expenditure for a school of GW's size and characteristics. Then one can determine whether GW's actual expenditures have been at this predicted level, below it, or above the prediction. I should stress that this technique does not determine the optimum level—just how GW's level compares with the typical school of our size and characteristics.

The principle result of this analysis is that, after allowing for all these characteristics, GW's actual expenditures on all libraries were \$3.2 million less than the benchmark, that is, \$3.2 million less than predicted for the average institution of our size and characteristics. This is about a 20% shortfall in 1996-97.

This figure is for all GW libraries. Next I wanted to estimate how much of this shortfall falls on the Gelman library. Over the entire decade of the 1990, Gelman expenditures were a virtually constant 61-63% of total GW library expenditures. Accordingly, it is reasonable to suppose that the same percentage of the shortfall falls on Gelman. That implies that Gelman is underfunded by \$2.0 million.

### 3.

I went on to examine General and Administrative expenditures. Here the results are less clear, since IPEDS does not break out true G&A. Rather, only the larger category of Institutional Support is reported. Still, there are two conclusions:

For GW, overall Institutional Support are not above the predicted value.

Second, internal GW data permit a closer examination of General and Administrative costs at GW over time. As Chart .. shows, what one concludes depends on exactly what one asks. There are three different aggregates that might be termed G&A, each answering a slightly different question. At least one of these—the unallocable costs of administration—has been growing very rapidly since 1994.

Let me also note that regression analysis was also conducted to determine whether GW's expenditures on Instruction were at, above, or below the benchmark. Once again controlling for our size, mix of students, and other characteristics, GW's instructional budget falls well short of the predicted level—also by about 20%.

Finally, at the request of the Committee, I also examined GW's revenue profile relative to that of other schools. The comparison is with the same 120 universities, but these are now divided into the more relevant categories of private universities vs. public universities. The following conclusions are immediately apparent from the charts:

- GW is far more tuition dependent than the average private university, approximately twice as tuition dependent in terms of the percent of our total revenues.
- The percent of income from gifts, grants, and endowment at GW is only about one-half as large as for all private schools.



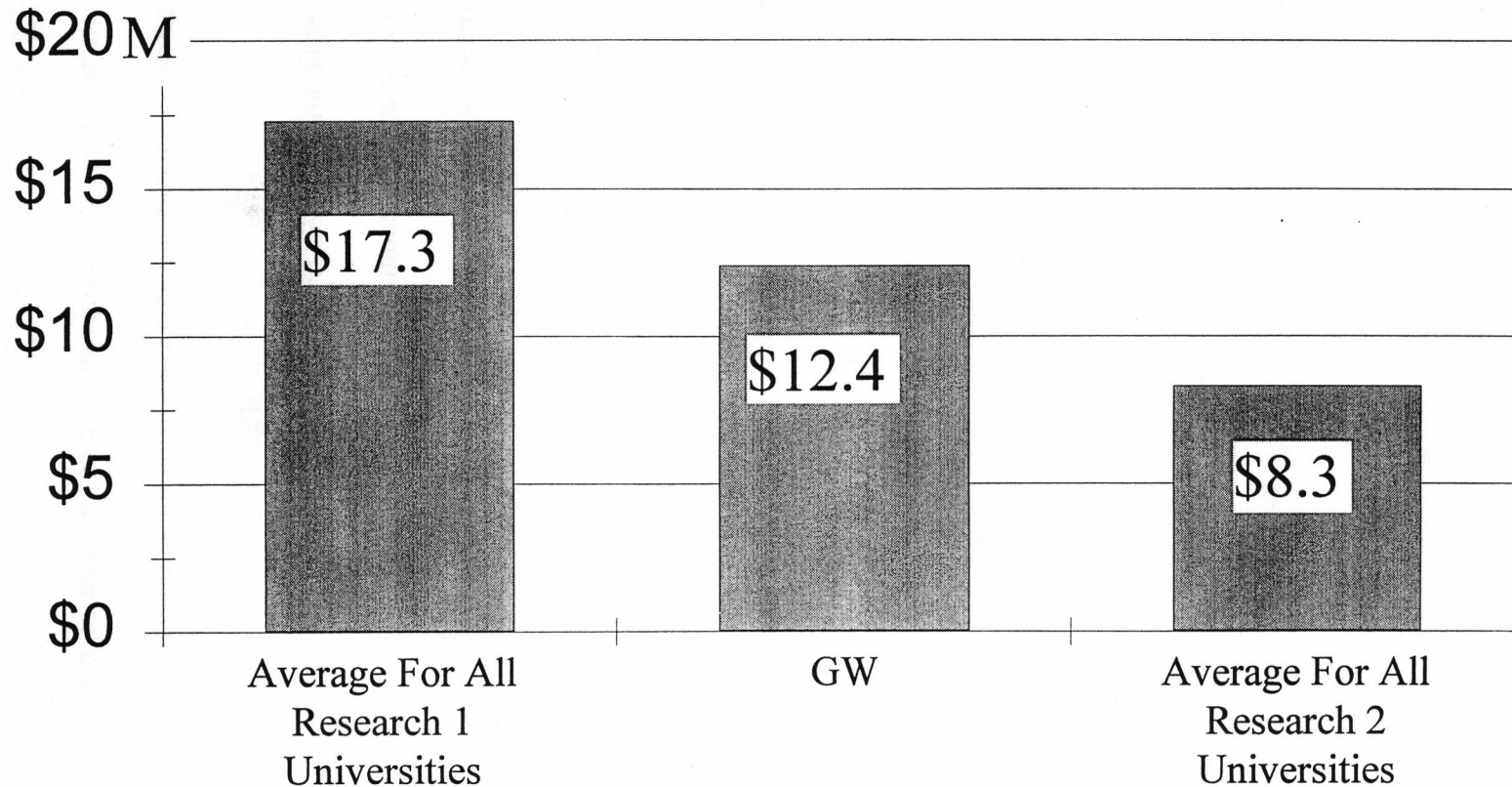
In summary, this study for the most part achieves its purpose of providing a sound basis for comparison of GW's expenditures. Substantively, it comes to three important conclusions. Relative to all other research universities and after controlling for all relevant differences among them:

- Gelman and other libraries at GW are underfunded,
- General and Administrative expenditures bear close scrutiny,
- and that our revenue sources underscore our financial vulnerabilities.

Chart 1

## EXPENDITURE ANALYSIS

### All Libraries

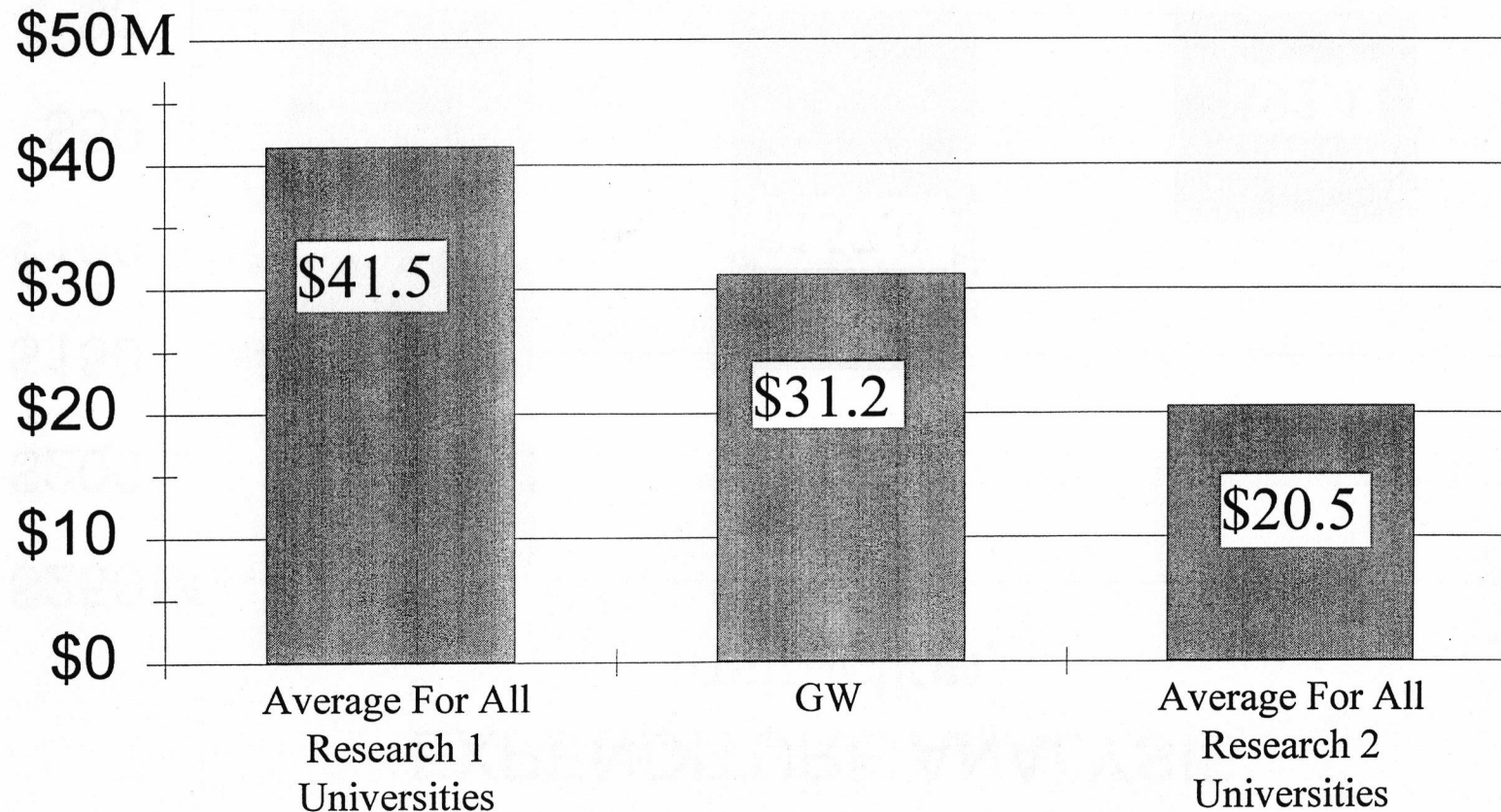


Note: All numbers in millions (M) of dollars.

Chart 2

## EXPENDITURE ANALYSIS

### Institutional Support

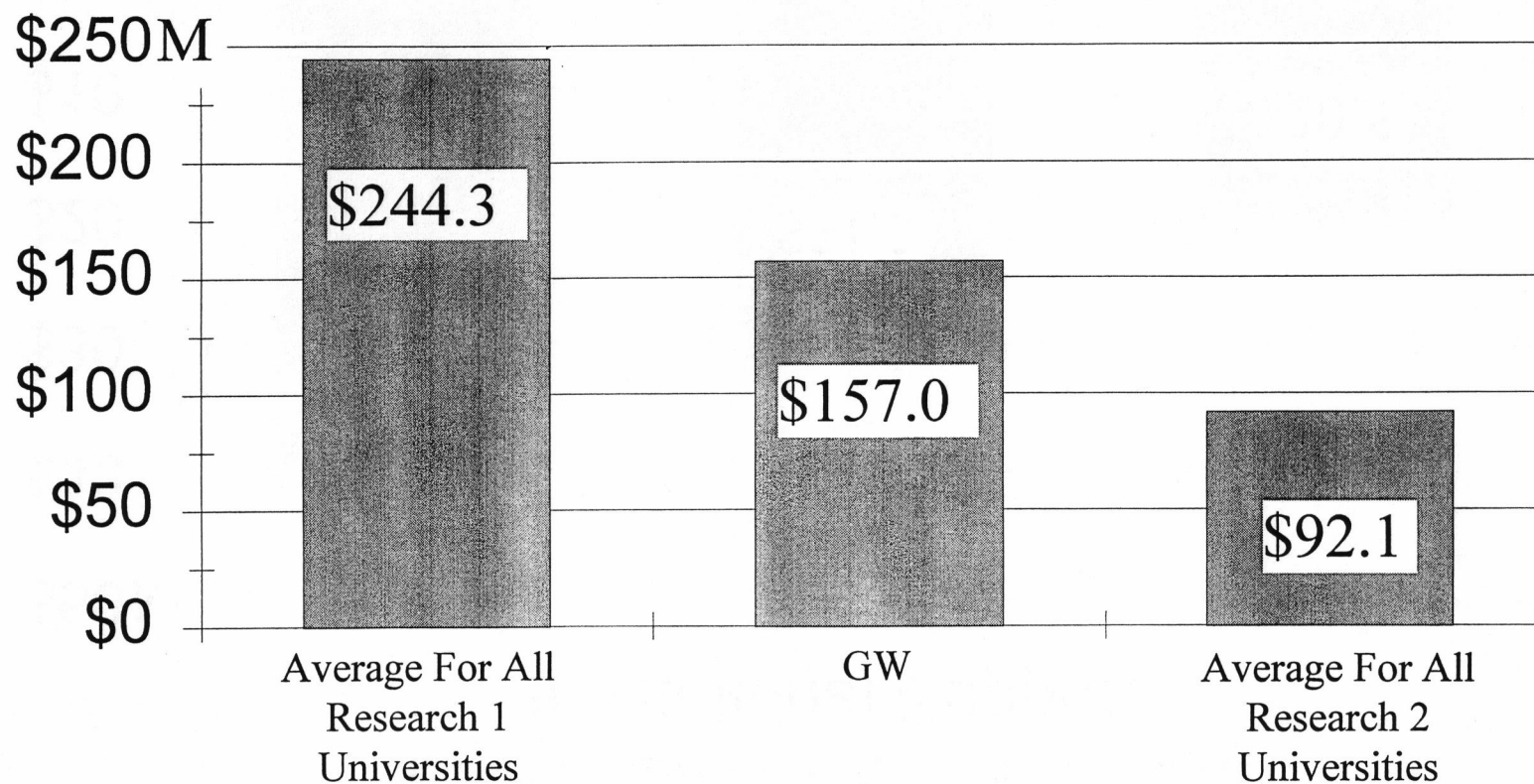


Note: All numbers in millions (M) of dollars.

Chart 3

## EXPENDITURE ANALYSIS

### Instruction



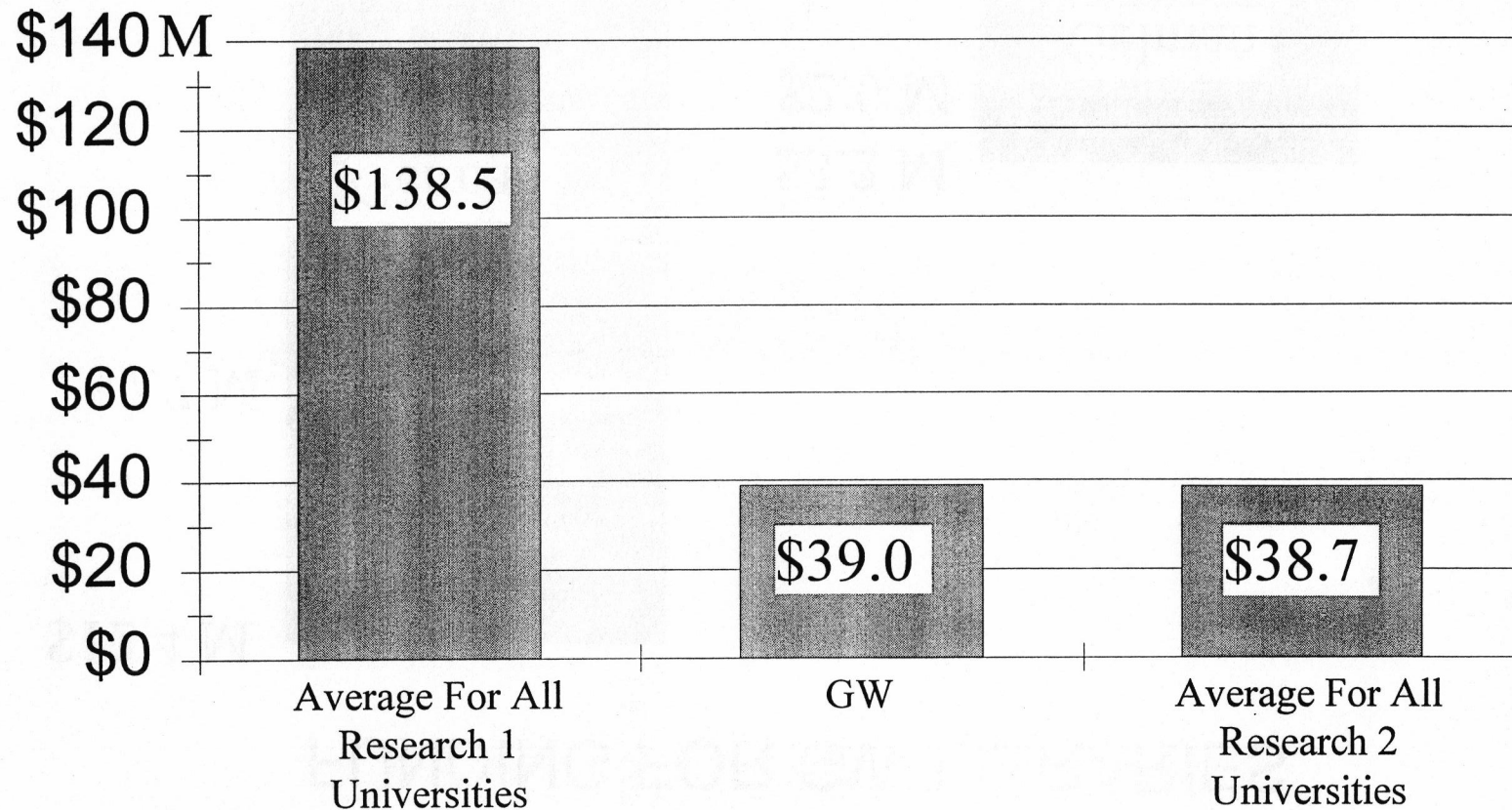
Note: Includes public service expenditures.  
All numbers in millions (M) of dollars.



Chart 4

## EXPENDITURE ANALYSIS

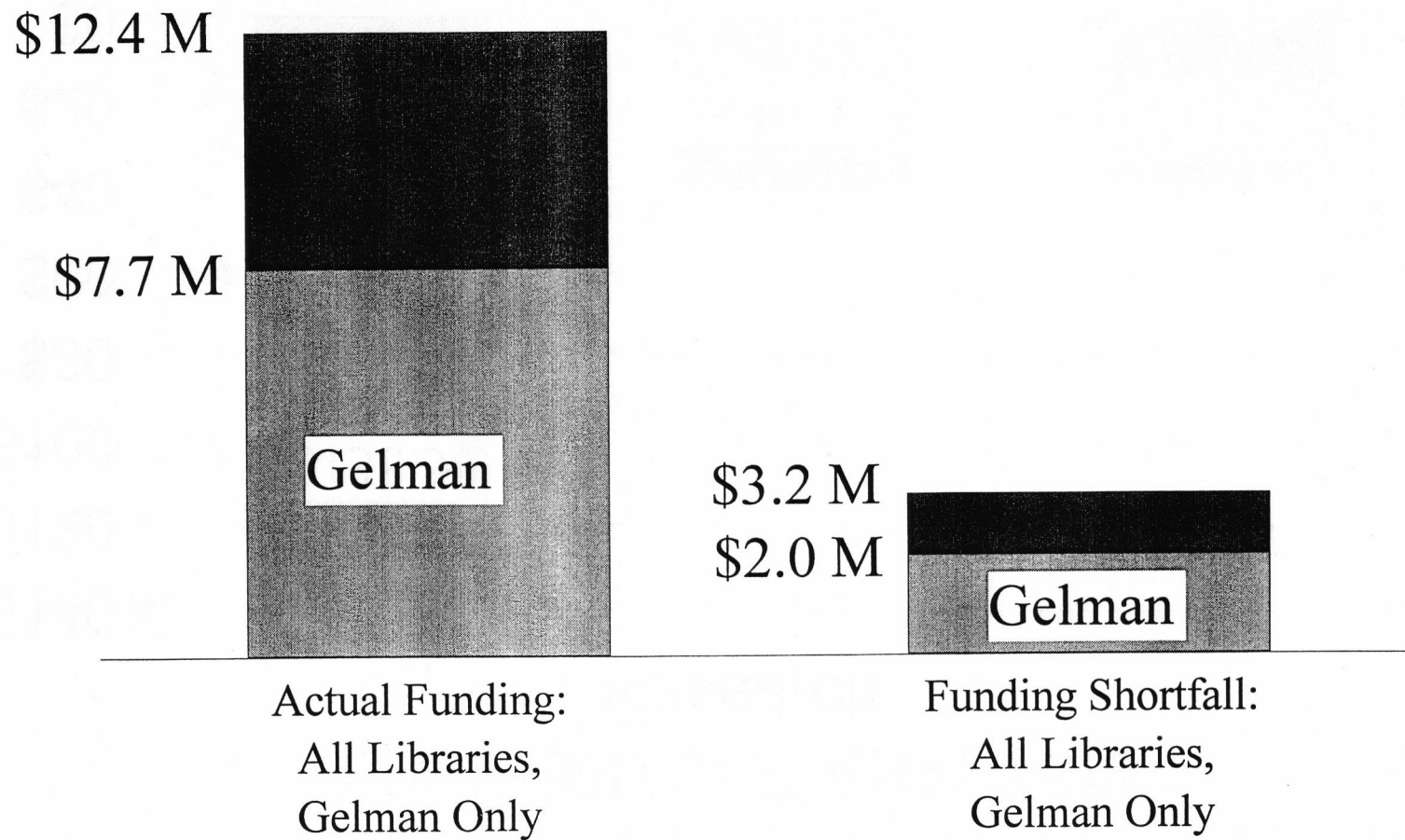
### Research



Note: All numbers in millions (M) of dollars.

Chart 5

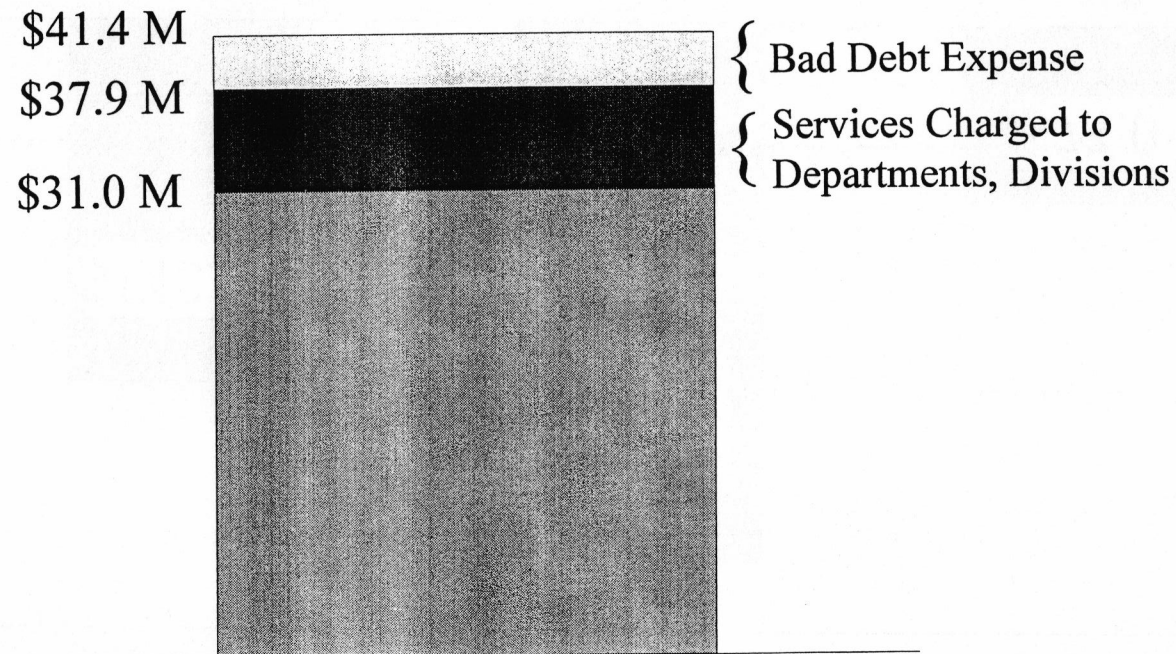
## FUNDING FOR GW LIBRARIES



Note: All numbers in millions (M) of dollars.

## Chart 6

### GW GENERAL AND ADMINISTRATIVE EXPENDITURES



Note: All numbers in millions (M) of dollars.

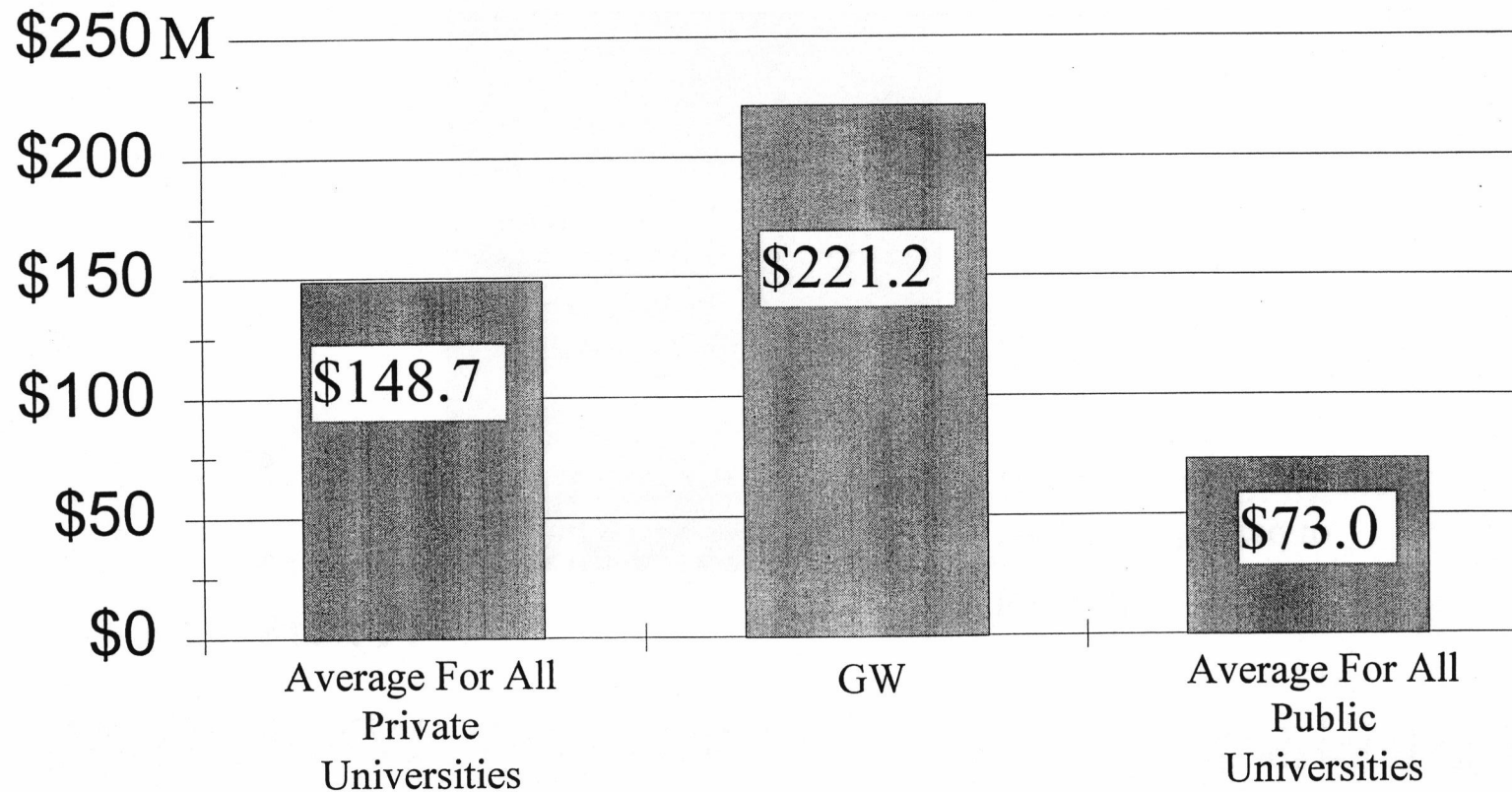
#### Rates of Growth (1994-99):

Total:	5.3%
Total Less Bad Debt:	4.0%
Total Less Services Charged	13.0%

Chart 7

## REVENUE ANALYSIS

### Net Tuition and Fees



Note: All numbers in millions (M) of dollars.

% of Net Revenue: 33.3%

66.1%

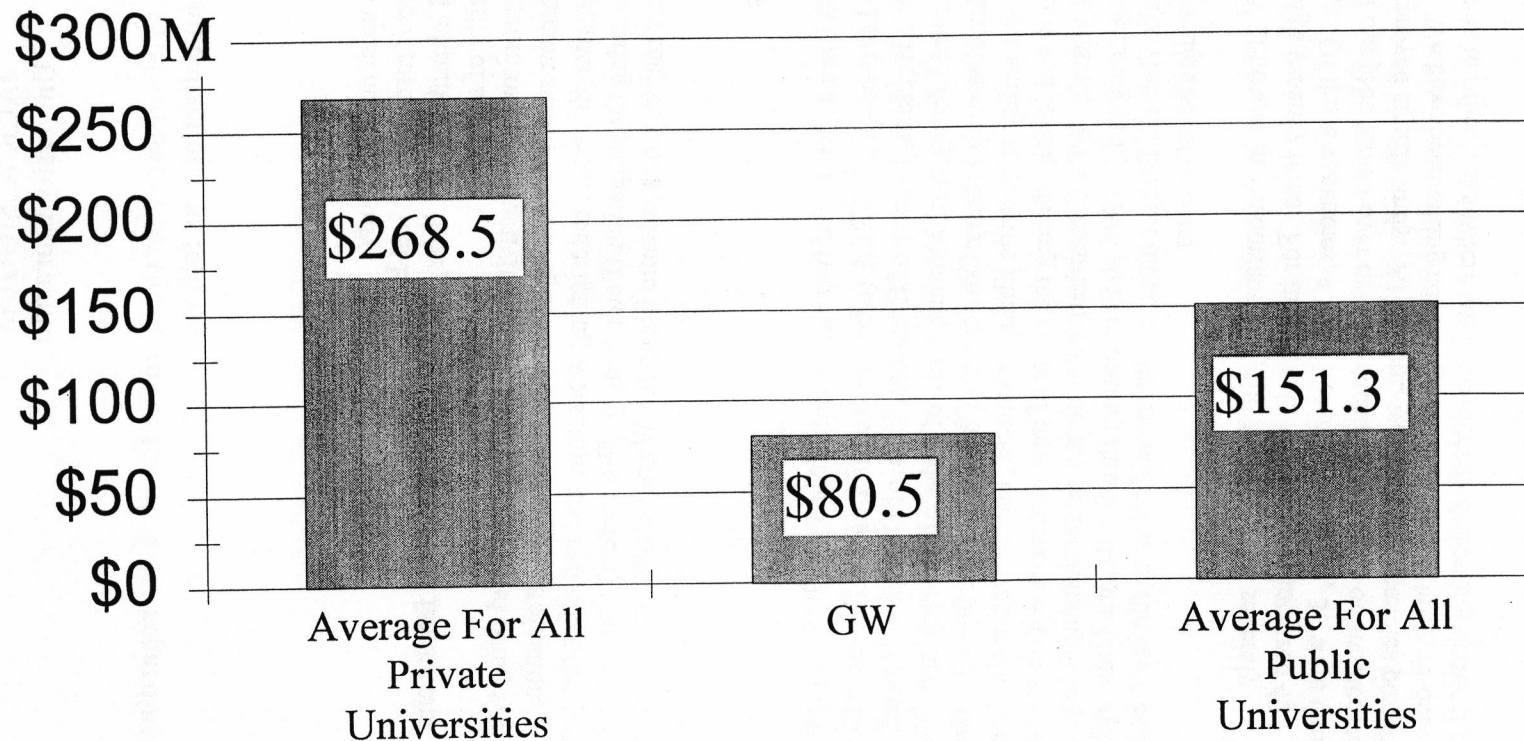
17.4%



Chart 8

## REVENUE ANALYSIS

### Grants, Gifts, and Endowment Income



Note: All numbers in millions (M) of dollars.

% of Net Revenue: 51.3%

23.9%

31.4%

# REPORT ON GELMAN LIBRARY

Faculty Senate Meeting

January 19, 2001

JACK A. SIGGINS

University Librarian

This report includes a brief summary on the status of the libraries regarding the overall budget, space, staff, and collections, as follows:

## OUR GOALS:

- 1) Provide the best service to students and faculty
- 2) Get maximum value from our resources ("Most Bang for the Buck")
- 3) Identify for the faculty and administration Library needs of the students and faculty and ways to improve on the quality of service
- 4) Improve our efficiency by monitoring productivity, minimizing overhead and using such techniques as reassignment staff, reallocating resources, introducing automation, outsourcing labor-intensive processes, redesigning workflow, and installing the concept of the libraries as a Learning Organization (Peter Senge). We currently outsource more processing than the vast majority of academic libraries. We have plans to out source more processing.

## GOOD NEWS/BAD NEWS

**Consortia. GOOD NEWS:** We are a member of two elite organizations which bring prestige to GW: ARL (Assn of Research Libraries) and CIRLA (Chesapeake Information Research Library Alliance) which includes: Johns Hopkins, Library of Congress, Univ of Delaware, Howard, Georgetown, National Agriculture Library, Smithsonian, Univ of Md-College Park and GW. Also, a member of Washington Research Library Consortium (WRLC). Thru these 3 consortial ties, we are able to maximize our ability to provide library resources, esp. for research. Jointly sharing access to our collections and jointly sharing the costs of new resources which we could not normally provide alone. Example: WRLC members have library collections now totalling app. 5.8 million vols. (2) Beginning in FY 1996 and continuing thru FY 01, the Univ. Admin. added \$1.4 million dollars to the Gelman Budget alone, including additions to the Base Budget and One-time increases, a very significant amount.

**Staffing. BAD NEWS:** In FY 2000 and in the current year, the libraries were severely handicapped by chronically high vacancy rates. For instance, in FY 2000 we incurred 42 vacancies out of 149 positions. Of those vacancies, 4 were librarian positions, 38 were Graded Staff. In other words, 28% of our jobs turned over or were vacant at one time or another last year. Our situation hasn't improved significantly. At present, we have 26 vacancies posted, plus another 16 that are unposted. We have been taking advantage of these vacancies to re-describe the work and re-assign positions to other tasks where we have identified growing demand and change.

Examples: (1) Circulation/Reserves: Out of 10 positions, 6 are currently vacant. (2) Administration: Missing a Business Office Manager, Human Resources Officer, and Development Officer (all those jobs now have to be handled by one person, Andrea Stewart, in addition to her regular job. (3) Acquisitions and Periodicals: Out of 30 positions, 10 are currently vacant. (4) Media: 2 vacancies, which doesn't sound like a lot until you consider that there are only 4 positions in the dept. (5) LIT: Out of 7 positions, 3 are vacant. (6) Other vacancies occur in Special Collections, SEEAR, and Building Operations.

IMPACT: (1) Drop in service quality to students and faculty (2) Drop in staff morale (3) Waste of money because higher-paid staff are required to do menial jobs.

WHY SO MANY VACANCIES? (1) Low staff salaries (as compared to other depts in GW and as compared to comparable jobs in the DC area); (2) Competition for employees on open job market; (3) Competition within GW for employees (GW depts are feeding off each other; i.e., depts are "stealing" staff from other depts out of desperation by offering higher wages for same type of work); (4) Complicated by ineffective recruitment efforts and gross delays in hiring (making job offers) by Human Resource Services.

GOOD NEWS: HR problems now being addressed by Vice President Dennis Blumer.

Space. BAD NEWS: Seating Capacity. 3 years ago, using a standard formula which takes into consideration the number and types of students enrolled, I calculated that at the bare minimum, Gelman Library should have a minimum number of approx. 1600 seats. At present we have a little over 1300. We are still short 300 seats, which we cannot get until the non-academic depts are removed from Gelman.

GOOD NEWS: With funds contributed by VP Lehman added to our own funds we were able to add 236 new chairs to study rooms and carrels, but these replace old or missing chairs and did not reduce the short-fall in total seating in Gelman.

Non-library Academic Depts include: On the 7<sup>th</sup> Floor: University Professors (4000 sq ft), Communitarians (3000 sq ft), Engineering Management (4000 sq ft), Communication Dept (700 sq ft); ie, 40% of space on 7<sup>th</sup> Floor is still occupied by non-library depts. On the 6<sup>th</sup> Floor: German/Slavic Dept (3800 sq ft), Classrooms (2800 sq ft); ie, almost 25% is non-library. On Lower Level: IMMC (part of GSEHD) occupies 2000 sq ft

GOOD NEWS: Plans under way with Craig Linebaugh to recover IMMC space. We also hope to regain part of 6<sup>th</sup> floor this year.

3. **Collections.** BAD NEWS: There are 121 members of ARL. Of that number, 10 are non-academic and 13 are Canadian. Of the remaining 98 American university libraries, in FY 1999 GW (including all 5 GW libraries) ranked 96 in terms of total size of collection. Only Colorado State and SUNY Albany were lower had few books.

#### 4. Over all Budget Support

John Kwoka's recent study comparing GW with Market Basket Schools show that Gelman's budget alone is underfunded by approx. \$2 million/year.

\*\*\*\*\*

#### FINAL POINTS:

1. Not just a collection funding problem; also space and staffing
2. Unrealistic to expect the University to continue to allocate increasingly higher amounts to Library every year (\$275,000, \$300,000, \$350,000 just to keep up with inflation). Must increase library-specific endowment. I've recommended a plan to change the student library fee from voluntary to permanent. If this were done, funds for the library from the fee would increase from approx. \$275,000 to \$1.4 million/year and would give us a steady source of income for collections. We would be able to add approx. 10,000-13,000 more vols/year, and would raise our standing in ARL statistics.

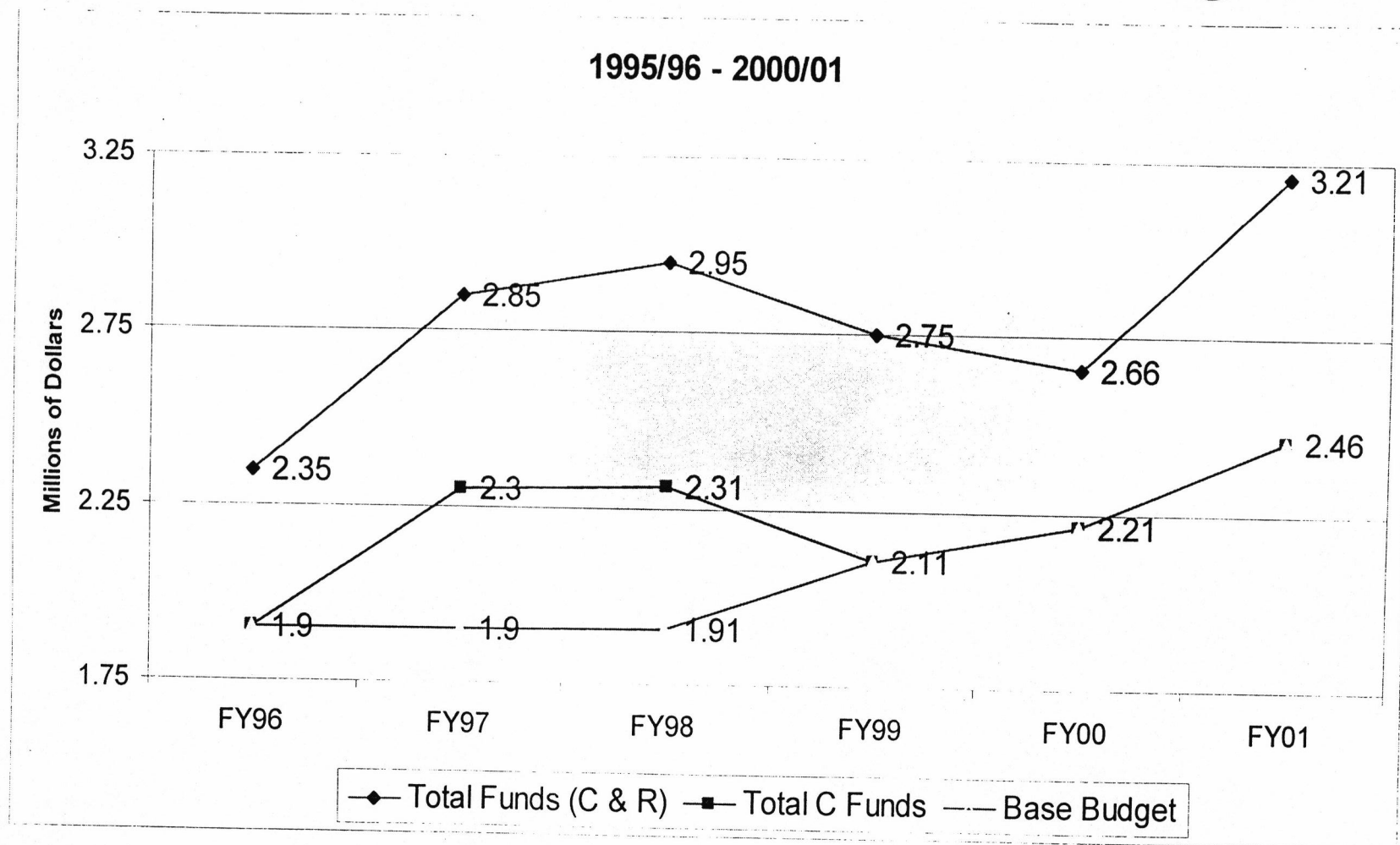
3.

3. Library is helping itself by creating a Development Office, reorganizing Friends of the Libraries to do more fund0iraising, educating faculty on their role (Caroline is touring relevant depts to explain SPARC and what faculty can do to protect their publication copyright).

4. Collections need steady income rather than fluctuating from year to year.



# Gelman Collections Budget



REPORT OF THE EXECUTIVE COMMITTEE  
January 19, 2001  
PROFESSOR JOHN G. BOSWELL

1. COMMITTEE SERVICE

Please note that the forms for service on Faculty Senate Standing Committees and Administrative Standing Committees will be distributed shortly. I urge you to consider volunteering for service and to encourage your colleagues to participate in an activity which is at the core of faculty governance.

2. EXECUTIVE COMMITTEE APPOINTMENTS

The Executive Committee at its December meeting appointed the following faculty to serve on the Oscar and Shoshana Trachtenberg Prize Committees: Professor William C. Parke to the Teaching Prize Committee; Professor Linda L. Werling to the Research Scholarship Committee; and Professor Mary M. Cheh to the University Service Prize Committee.

The Executive Committee also appointed Professor Joseph Pelzman to the Information Technology Advisory Council, and Professor Richard M. Robin to the Web Advisory Group.

3. ELECTION OF FACULTY SENATE MEMBERS FOR THE 2001-02 SESSION

A memorandum from the Executive Committee was sent to the Deans last month regarding election of members of the Faculty Senate from their respective schools. The Faculty Organization Plan requires that these elections take place prior to March 15, and the Executive Committee has requested that the results be transmitted prior to that date so that the organization of the Senate for the 2001-02 Session can be accomplished. The Executive Committee would appreciate your assistance in having this item placed on the agenda for the next meeting of your school.

4. REVISED SEXUAL HARASSMENT POLICY

A copy of the revised Sexual Harassment Policy sent by the President to the faculty has been forwarded to the Committee on Professional Ethics and Academic Freedom for their consideration. The Committee is expected to report back to the Senate their comments on the revised Policy.



5. ANNOUNCEMENTS

The Chairs of Senate Standing Committees are asked to present an Interim Report on his/her respective Committee activities at the February 2<sup>nd</sup> Senate meeting. A written report would be welcomed in the event there is not sufficient time for oral presentations.

The next regular meeting of the Executive Committee is scheduled for Friday, January 26<sup>th</sup>. Committee Chairs are asked to submit resolutions or reports to the Executive Committee for the agenda of the February 2<sup>nd</sup> Senate meeting prior to January 26<sup>th</sup>.

**THE GEORGE WASHINGTON UNIVERSITY**  
**Washington, DC**

**The Faculty Senate**

**January 10, 2001**

**The Faculty Senate will meet on Friday, January 19, 2001, at 2:10 p.m., in the Alumni House, First Floor, 1925 F Street, NW.**

**AGENDA**

- 1. Call to order**
- 2. Approval of the minutes of the regular meeting of October 13, 2000, as previously distributed**
- 3. Old Business: A Resolution Opposing the Special Fees for Majors in the Programs of the School of Media and Public Affairs (00/1); Professor McAleavey, Co-Chair, Committee of Faculty and Students, postponed May 5, 2000 (Resolution 00/1 attached)**
- 4. Resolutions:**

**A Resolution Requesting the University Administration to Take Appropriate Measures to Discourage Infringement by Students and Other Persons of Faculty Members' Intellectual Property Rights in their Course Presentations (00/4); Professor Wilmarth, Executive Committee of the Faculty Senate (Resolution 00/4 attached)**
- 5. Introduction of resolutions**
- 6. Update on Gelman Library by Mr. Jack A. Siggins, University Librarian**
- 7. Report on Benchmarks for Expenditures for Administrative and General Purposes and the Library by Professor John Kwoka, Fiscal Planning and Budget Committee (Summary Report attached)**
- 8. Report on Consortium's change in bylaws to eliminate faculty from its Board of Trustees by Professor William Griffith, current Consortium Trustee**
- 9. General Business:**
  - (a) Nomination for election of Professor Evelyn J. Schreiber as Acting Chair of the Committee on Admissions Policy, Student Financial Aid, and Enrollment Management as replacement for Professor Moses**



(b) **Nomination for election of Professors Fernando Robles and Joe Goldblatt to the Committee on Honors and Academic Convocations; Professors Stuart Umpleby and Walter Brown to the Committee on University and Urban Affairs; and Professor Elias Carayannis to the Committee on Appointment, Salary and Promotion Policies**

(c) **Report of the Executive Committee: Professor John G. Boswell, Chair**

(d) **Interim Reports of Senate Standing Committees**

**10. Brief Statements (and Questions)**

**11. Adjournment**

  
**Tim Terpstra**  
**Secretary**

**A RESOLUTION OPPOSING THE SPECIAL FEES FOR MAJORS IN THE  
PROGRAMS OF THE SCHOOL OF MEDIA AND PUBLIC AFFAIRS (00/1)**

Whereas, the Student Association has adopted a resolution attacking these fees, and has explicitly sought the help of the Joint Committee of Faculty and Students; and

Whereas, while the fees are intended to provide and maintain, through an ongoing replacement fund, upgraded equipment for the use of students in programs which will be housed in the new SMPA building, not all students will use the equipment to the same degree, and not all users of that equipment will be charged (for instance, minors in those fields), which suggests that the fees are not completely equitable; and

Whereas, imposing additional non-tuition fees on undergraduate students majoring in SMPA must act as a deterrent to at least some students who might be interested in such majors (including students who need financial assistance or who use the University's tuition benefits program), which reduces students' freedom of choice among the University's programs; and

Whereas, such fees would establish a precedent which might be employed for any number of purposes in a variety of undergraduate programs throughout the University, and could understandably lead to divisive proprietariness regarding access to facilities, equipment and even faculty, which would not be in the University's interest in the long run; and

Whereas, obtaining the required funds through an across-the-board tuition increase would seem to be consistent with other budgetary decisions made by the University, would not significantly inconvenience students, has the support of the Student Association, and would avoid the inequities which this special fee creates; therefore,

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON  
UNIVERSITY THAT**

The special fee to be imposed on majors in SMPA be rescinded, in favor of an increase in the overall tuition rate sufficient to cover the required costs of needed upgrades to SMPA equipment, and furthermore, that such a tuition increase be linked directly to the provision of funds for this purpose, as closely equivalent as possible to what would have been provided through the mechanism of the contested fee.

**Joint Committee of Faculty and Students**  
April 7, 2000

**Postponed, May 5, 2000, to September 8, 2000**

**A RESOLUTION REQUESTING THE UNIVERSITY ADMINISTRATION  
TO TAKE APPROPRIATE MEASURES TO DISCOURAGE INFRINGEMENT BY  
STUDENTS AND OTHER PERSONS OF FACULTY MEMBERS'  
INTELLECTUAL PROPERTY RIGHTS IN THEIR COURSE PRESENTATIONS (00/4)**

**WHEREAS**, the Faculty Senate understands that, at the University and at many other institutions of higher learning, students and other persons attending courses (i) have sold summaries of faculty course presentations to commercial enterprises and other parties for the purpose of enabling those parties to sell the course summaries for profit, and (ii) have sold to commercial enterprises and other parties, for the same purpose, written course-related materials created and distributed by faculty members to students in their courses; and

**WHEREAS**, the George Washington University Copyright Policy recognizes that classroom presentations of academic material by faculty members and materials created by faculty members for distribution to students in their courses (hereinafter collectively referred to as "Course Presentations") are the intellectual property of the instructors (except where the Copyright Policy expressly grants to the University an ownership interest in Course Presentations); and

**WHEREAS**, faculty members and University administrators have agreed that the University should discourage students and other persons from infringing the intellectual property rights of faculty members in their Course Presentations;

**NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE OF THE  
GEORGE WASHINGTON UNIVERSITY**

(1) That the Faculty Senate hereby requests the University Administration to take appropriate measures to discourage students and other persons attending courses in the University from infringing the intellectual property rights of faculty members in their Course Presentations.

(2) That, as an example of such appropriate measures, the Faculty Senate requests the University Administration to include the following prohibitory statement in all course bulletins issued by the University or any of its schools, departments and other teaching units:

**Prohibition against Unauthorized Commercial Use of  
Faculty Course Presentations**

The George Washington University prohibits students and other persons attending courses from (i) recording or summarizing, for commercial purposes, classroom presentations by faculty members or (ii) redistributing, for commercial purposes, materials created and distributed by faculty members to students in their courses. Accordingly, unless the instructor has given express permission for such conduct,

students enrolled in (and other persons attending) any course may not sell or otherwise distribute to any person classroom lecture notes, course summaries, course handouts, illustrations, presentation materials or other items that have been prepared or assembled by the instructor or that summarize, record or depict the instructor's presentation. This prohibition does not apply to either (a) a student who provides such materials, without charge, to other students enrolled in the same course for their non-commercial and educational use, or (b) a person who provides such materials in accordance with arrangements made through the University's Disability Support Services and disclosed in advance to the instructor. Violation by a student of the prohibition described in this paragraph is a violation of the University's Code of Student Conduct and will subject the violator to discipline under that Code.

(3) That the Faculty Senate requests the University Administration to pursue appropriate disciplinary action under the Code of Student Conduct against any student who violates the prohibition described in the foregoing resolving clause after the prohibition has been published in a University course bulletin covering the school, department or other teaching unit in which such student is enrolled.

Executive Committee of the Faculty Senate  
December 15, 2000





INTERDEPARTMENTAL MEMORANDUM

DATE: Dec. 22, 2000

TO: John Boswell, Chair  
Executive Committee of the Faculty Senate  
c/o Doris Trone, Faculty Senate Office

FM: W.B. Griffith, Chair *WBG*  
Fiscal Planning & Budgeting Committee

RE: Enclosed "Summary Report" for the Faculty Senate's Agenda

I am pleased to forward to you the enclosed "Summary: Cost Benchmark Study as Reported to the Senate Fiscal Planning and Budgeting Committee", submitted by a one-person subcommittee, Prof. John Kwoka (Economics, CSAS). The Fiscal Planning & Budgeting Committee voted to forward this Report to the Executive Committee with a request that it be placed on the agenda of the Faculty Senate as soon as possible, preferably at the January meeting. The full Report will be available from Prof. Kwoka, as noted on the Summary.

If there are any questions, please contact me (4-8684) or Prof. Kwoka (4-6922).

## **SUMMARY**

### **COST BENCHMARK STUDY AS REPORTED TO SENATE FISCAL PLANNING AND BUDGETING COMMITTEE**

December 2000

In 1998 the Senate Fiscal Planning and Budgeting Committee endorsed a comparative study of GW's costs relative to those of other research universities, with particular attention to library expenditures and to general and administrative expenditures. This summary sets forth the highlights of the report initially submitted to the Fiscal Planning and Budgeting Committee in December 1999 and subsequently updated in October 2000.

This cost benchmark study compared GW's overall "educational and general" expenditures, as well as the components, with the corresponding expenditures at all 120 Research I and Research II universities in the academic years 1995-96 and 1996-97. These are the most recent years for which complete data are available from the Department of Education's National Center for Education Statistics. Educational and general expenditures consist of the costs of instruction (including public service), research, academic support (including libraries), student services, institutional support (including general and administrative), plant operations, and mandatory transfers (largely debt service).

Examination of the 1996-97 data indicates that GW's total educational and general expenditures fall between those of the average Research I institution and the average Research II school. (The same conclusion holds when expenditures are calculated per full-time equivalent student. All conclusions also hold for the earlier academic year 1995-96.) In terms of the percent of GW's budget devoted to various tasks, however, there are some notable differences:

- GW's expenditures on Research are well below the percentages for both Research I and Research II schools.

- GW's expenditures for Institutional Support exceed the percentages for Research I as well as Research II schools.

- On the other hand, GW's expenditures on Academic Support (a category that includes Libraries) appear near the norm.

In order to account fully for differences among these institutions that may affect costs, regression analysis is utilized. This permits a comparison between GW and other institutions holding constant each school's number of undergraduate students (full-time and part-time are separated), number of graduate students (full-time and part-time are separated), number of faculty, level of research grants, whether or not the institution has a medical school, and whether it is a public or a private institution.

This regression analysis yields several additional conclusions, with varying degrees of statistical significance:

- GW's total educational and general expenditures are about \$36 million less per year than statistically predicted for a university with its characteristics.

- Instruction is underfunded, as are all libraries at GW. Underfunding of all GW libraries is estimated to total \$3.2 million per year. Based on historic GW budget allocations, underfunding of the Gelman Library in particular likely represents \$2.0 million of the \$3.2 million total.

- Institutional Support expenditures at GW are not greater than predicted for an university of GW's characteristics. General and administrative expenditures (G&A) represent a major component of Institutional Support, but G&A cannot be separated out in the IPEDS data. A closer analysis of internal data at GW over time reveals that G&A may have been increasing by as much as 13 percent per year since 1994.

An analogous inquiry was undertaken into Net Total Revenue at GW relative to other research institutions. For these purposes private vs. public universities are distinguished. Net Total Revenue is comprised of tuition and fees (net of financial aid), governmental appropriations, grants, gifts, endowment income, income from sales and certain other items (but excluding food service, dorms, and intercollegiate athletic expenses). GW's revenue profile differs markedly from benchmark schools:

- In percentage terms, GW is approximately twice as tuition-dependent as the average private university.

- The percentages of income from grants, gifts, and endowment at GW are each only about one-half the corresponding averages for all private institutions.

Further information as well as copies of the reports are available from John Kwoka at 994-6922 or [kwoka@gwu.edu](mailto:kwoka@gwu.edu).